

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BLUE SPIKE, LLC,

Plaintiff

vs.

TV INTERACTIVE SYSTEMS, INC.,

Defendants.

Civil Action No. 6:12-cv-00684-LED
(Lead Case No. 6:12-00499-LED)

**DECLARATION OF JOHN MICHAEL COLLETTE, JR. IN SUPPORT OF
DEFENDANT TV INTERACTIVE SYSTEMS, INC.'S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE**

I, JOHN MICHAEL COLLETTE, JR., declare that:

1. I am the CEO of Defendant TV Interactive Systems, Inc., which is now known as Cognitive Media Networks Inc. ("CMN"). I make this declaration on behalf of CMN in the matter referenced above and in support of the Motion to Dismiss for Lack of Personal Jurisdiction and Improper Venue. I have personal knowledge of the matters contained herein and am competent to testify thereto.

2. CMN is a software startup that seeks to provide automatic content recognition systems for Smart TVs. CMN's technology can enable Smart TVs to run applications that are synchronized in an intelligent fashion with live TV broadcast. Through CMN's technology, the applications can interact with what is happening on the television screen, thus enabling various forms of user engagement.

3. CMN is a Delaware corporation with its principal place of business located in San Francisco, California.

4. I joined CMN as CEO in September, 2012. I live in Boston and work out of CMN's San Francisco office.

5. CMN has one other office, which is located in New York, New York. CMN does not have, and has never had an office in Texas.

6. CMN is not, and has never been, registered to do business in Texas.

7. CMN does not own any property or maintain any facilities in Texas, and it does not have any mailing addresses in Texas.

8. None of CMN's officers, directors, or employees lives or works in Texas.

9. CMN has never attended a tradeshow or conference in Texas.

10. CMN has a registered agent for service of process in Delaware. It does not have a registered agent for service in Texas.

11. CMN has one commercial agreement with one customer, a TV network that purchases professional services from us. Those services are provided by our staff in New York and California for delivery in Georgia. To my knowledge, none of CMN's customers are Texas corporations or headquartered in Texas. CMN does not receive any revenue from Texas.

12. CMN has never directed marketing or advertisements to Texas.

13. CMN operates a website (www.cognitivenetworks.com) that is available worldwide over the public Internet. Attached hereto as Exhibit A is a true and correct copy of a printout from CMN's website. As can be seen, CMN's website does not provide any commercial services and serves solely informational purposes. There is no interactive

commercial activity through this website, aside from the ability of a website visitor to send an email to CMN through a contact form.

14. At one time, CMN operating under the predecessor name TV Interactive Systems, operated www.tvinteractivesystems.com. At that time, CMN's website consisted of several webpages relating to the company and its goods and services in a passive manner. The website also contained a job posting seeking engineers to help build CMN's products, but the postings were not specifically directed to applicants of Texas. There was no interactive commercial activity through this website.

15. None of CMNs current or previous websites are or ever have been specifically directed to Texas, or any other state or country.

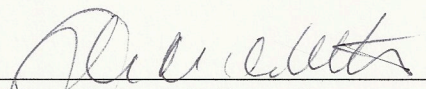
16. No goods or services were ever sold through any of CMN's websites.

17. CMN's current website is maintained, hosted, and operated outside of Texas, as was its previous website.

18. As of the date of this Declaration, to the best of my knowledge, CMN has not made, used, imported, sold or offered to sell any products or services in Texas.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 26, 2012 at 7:45 AM.



John Michael Collette, Jr.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 12th day of April, 2013, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) (re-filed from November 26, 2012 per Court's consolidated order).

/s/ Christopher Kao
Christopher Kao